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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/087,050	03/01/2002	Phillip Patrick Carroll III	OAKW 0124 PUS	3233
22045	7590	06/09/2005	EXAMINER	
BROOKS KUSHMAN P.C. 1000 TOWN CENTER TWENTY-SECOND FLOOR SOUTHFIELD, MI 48075			WATKINS III, WILLIAM P	
			ART UNIT	PAPER NUMBER
			1772	

DATE MAILED: 06/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/087,050

Applicant(s)

CARROLL ET AL.

Examiner

William P. Watkins III

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 March 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11-18,21 and 23-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 11-18,21 and 23-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 March 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

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DETAILED ACTION

1. Claims 11-18, 21 and 23-26 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

It is unclear where the substrate being flexible is supported in the specification as filed. The specification at page 6 line 28 calls for the substrate to be molded of a at least a semi-rigid plastic material.

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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3. Claims 11-18, 21 and 23-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barberis (U.S. 4,905,511) in view of Strapazzini (U.S. 5,529,742) or Gonas (U.S. 5,700,050).

Barberis teaches, in Figure 3, decorative insert panels in an auto door (element 5, which protrude through openings in the substrate element 4). The panels may be joined to the substrate by numerous means (col. 3, lines 20-25, 5-40). The insert panels are made of wadding layer with a soft fabric covering and a substrate (col. 3, lines 1-10) that together form a laminated material with multiple layers. Strapazzini teaches a decorative insert in a door that simulates wood grain (col. 1, lines 25-35, and col. 3, lines 25-35). Gonas teaches a fabric on a trim panel, which is broadly defined and can include simulated wood grain plastic trim or paint films (col. 5, lines 17-25).

The instant invention claims the use of a wood grain trim panel that is inserted into an opening in a trim panel substrate. It would have been obvious to one of ordinary skill in the art to have used a wood grain finish on the surface of the insert of Barberis in order to have a desirable wood grain texture on the inside of the door because of the teachings of Strapazzini or Gonas. The tabs of claim 21 are taken as being similar to element 8 of Barberis. Regarding claim 1, the

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examiner takes "wood grain-like" finish as being definite because it further limits the recited topography of claim 1. Fabric sheets, which may be used as insert layers as taught by Barberis, Strapazzini and Gonas, are flexible and capable of being conformed or formed to the shape of the insert support substrates. Fabrics are commonly known to be stored in roll form. Selection of the specific thickness of the insert layers is taken as being within the ordinary skill of the art. The outer fabric layer protects the underlying layers of the insert panel.

4. Applicant's arguments filed 03 March 2005 have been fully considered but they are not persuasive.

Applicant continues to argue that flexible is supported in the specification because "at least semi-rigid" implies some degree of flexibility. The position of the examiner remains that "at least semi-rigid" means semi-rigid or rigid, not flexible. At best semi-rigid can be constructed as semi-flexible and not flexible without limitation. Applicant argues that because the substrate is taught as being made of TPO as one option, there is support for the substrate being flexible. Nagy et al. (U.S. 5,845,931) is cited as being of interest as

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teaching at least one form of TPO as well as ABS and PC/ABS being rigid plastic materials (col. 3, lines 45-55). TPO can thus not be assumed to be inherently flexible as argued by applicant.

Applicant argues that the rigid substrate of the insert panel of Barberis taught at col. 3, lines 1-5, does not meet the instant claim language. The instant claim language does not exclude an insert panel substrate, as opposed to the substrate in which the panel is inserted, from being rigid. Applicant states the instant claimed flexible substrate is taught by the instant specification as not having visible joint lines at page 7, line 25. There is no reference to the substrate being flexible in this passage. The new dependent claim limitations are addressed in the above rejection. Applicant argues that the soft material of Barberis does not meet the instant claim language. There is nothing in the instant claim language that would exclude the use of a material that is soft relative to the insert panel support layer as long as it can have a topography. Applicant argues that Strapazzini and Gonas cannot be combined because they use different methods of joining insert panels to supports. The examiner does not rely on these references for the method of joining the insert panels to substrates but

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instead relies on them for the type of material that can be exposed on the outside of the insert panels. The type of finish material is independent of the method of joining the insert panel. All of the references are from the same art area and address similar problems of joining different trim materials. Multiple layers are taught as noted in the above rejection.

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to William P. Watkins III whose telephone number is 571-272-1503. The examiner works an increased flex time schedule, but can normally be reached Monday through Friday, 11:30 A.M. through 8:00 P.M. Eastern Time. The examiner returns all calls within one business day unless an extended absence is noted on his voice mail greeting.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon can be reached on 571-272-1498. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



**WILLIAM P. WATKINS III
PRIMARY EXAMINER**

WW/ww

June 7, 2005